

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.23288 of 2000

DATED: 27.06.2007

Between:

K.Tirupathi Reddy.

.. Petitioner

And

The District Collector (B.C.W.) Prakasam
District at Ongole and others.

.. Respondents

-
-
-
-
-
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.23288 of 2000

-
ORDER:
-

In this writ petition, the petitioner seeks directions by way of a Mandamus to the respondents to fix the rent of his building situated at Venkatreddypally of Hanumanthunipadu Mandal, Prakasam District, which was utilized by the respondents on lease for running B.C. Boys Hostel.

It is the case of the petitioner that he is the owner of an RCC constructed building situated at Venkatreddypally of Hanumanthunipadu Mandal, Prakasam District, and that the plinth area of the said building is 2,417 square feet. It is the grievance of the petitioner that though possession was taken by the respondents on 15.06.1995, rent payable to him for his building was fixed at the first instance only on 14.03.1998 by the District Collector, Ongole vide his proceedings in RC.No.A2/14/98, dated 14.3.1998, wherein, the rent payable for his building was fixed at Rs.1,200/- per month. The main grievance of the petitioner is that the Government has issued G.O.Ms.No.35, Finance & Planning (Fin.Wing-EBS-PWD) Department, dated 27.02.1997, and as per it, the rent fixed was at the rate of Rs.1.25 ps. per sq. feet for the private buildings taken on lease by the Government Department. But, however, the District Collector, Ongole has fixed the rent of the petitioner's building only at the rate of Rs.1,200/- per month, though the plinth area of the building is 2,417 sq.

feet. Further, it is submitted that during the pendency of the writ petition, the respondents have vacated the premises and shifted the said B.C. Boys Hostel to their own newly constructed building.

Though, the writ petition was filed in the year 2000, no counter affidavit has been filed on behalf of the respondents.

Heard both the counsel.

In this case, in the affidavit filed on behalf of the petitioner, it is stated that a representation was made before the District Collector, Ongole, on 12.08.1998, requesting for enhancement of the monthly rent of the petitioner's building as per G.O.Ms.No.35, dated 27.02.1997. Undisputedly, no decision was taken by any authority as to whether the petitioner is entitled for enhancement of rent for his building, which was taken by the respondents on lease. The question as to whether G.O.Ms.No.35 can be made applicable to the petitioner or any further orders are issued for fixation of rent are to be considered by the respondents' authorities.

In the absence of any counter affidavit by the respondents, and as much as it is stated that the representation of the petitioner to the District Collector, Ongole, dated 12.08.1998, is also not considered, I dispose of the writ petition permitting the petitioner to make a fresh representation to the District Collector, Ongole, by enclosing a copy of G.O.Ms.No.35, Finance & Planning (Fin.Wing-EBS-PWD) Department, dated 27.02.1997, within a period of four weeks from the date of receipt of a copy of this Order.

However, in the event of the petitioner making the said representation to the first respondent-District Collector (B.C.W.)

Prakasam District, Ongole, as directed above within the time specified, then the first respondent shall consider the said representation and pass appropriate orders, and also communicate the same to the petitioner.

Subject to the above direction, the writ petition is disposed of.
No order as to costs.

(R.SUBHASH REDDY,J)

27.06.2007

Note: Furnish CC in three days

B/o

v v